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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,687	07/01/2003	Scott Walter	191.0014901	4395

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JAMESTOWN, NY 14701

EXAMINER

KLEBE, GERALD B

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,687

Applicant(s)

WALTER, SCOTT

Examiner

Gerald B. Klebe

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 29 and 42-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 29 and 42-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

MB Klebe
24 November 2004

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Amendment

1. The amendment filed 10/28/2004 under 37 CFR 1.111 has been entered. Claims 1-15, 17-28 and 30-41 being cancelled by the amendment and new claims 43-60 being added, claims 16, 29, and 42-60 are pending in the application, with claims 16, 29 and 42 being independent.

Withdrawal of Prior Indication of Allowable Matter

2. With apology by the examiner, the previously indicated allowability of the subject matter of claims 16, 29 and 42 is withdrawn in view of the better understanding of the Applicant's claims and the relevance thereto of the already-cited prior art.

A reconsidered Office Action on the merits follows.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16, 29, 42-47, 49-53, and 55-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Daly (US 2002/0077222 A1).

Daly discloses a device for use on a trampoline comprising:

(re: claims 16, 29, and 42)

a board having a top surface (Fig 1, item 14), a bottom surface (item 16), a front end, and a back end, wherein the front end and back end are each curved up from a horizontal plane of the trampoline (refer Fig 2);

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at least one securing member (20) secured to the board, the at least one securing member adapted to receive a user's foot (para [0020] lines 5-7);

a non-slip layer (30; refer para [0021], lines 3-8); rigidly secured to the top surface, wherein the non-slip layer has a plurality of holes (18; refer para [0024], lines 2-4), said board has a plurality of recesses (taken as the hole openings on the bottom surface of the board), and each of the at least one securing member (20) penetrates the plurality of holes of the non-slip layer and is secured to the board by being tied off in a knot (22), the knot being within one of the plurality of recesses (para [0024], lines 11-13) and,

(re: the further limitations of claim 29) two securing members (20) attached to the board and adapted to receive a user's foot; and,

(re: the further limitations of claim 42) the board forming a generally elongated U-shape, and being made of a non-slip material (the examiner considers this inherent for sports gliding boards); and,

a first securing member to receive a user's first foot, the first securing member penetrating through the top surface and attached to the board at the bottom surface; and,

a second securing member adapted to receive a user's second foot, the second securing member penetrating through the top surface and attached to the board at the bottom surface; and,

(re: claims 43, 49, and 55) wherein the board is of a shape selected from a group comprised of generally oval, circular, rectangular, hexagonal and elliptical shape; (in this case, the board of Daly is of generally rectangular shape); and,

(re: claims 44, 50, and 56) wherein the board is a substantially shallow and generally elongate U-shape (refer to Figs 2 and 3); and,

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(re: **claims 45, 51, and 57**) wherein the board is made of a material selected from a group comprised of foam and polyurethane (refer para [0022], lines 7-9); and,

(re: **claims 46, 52, and 58**) wherein the at least one securing member is made of a material selected from a group comprised of a rubber, a plastic, a leather, a foam, and a nylon (in this case the securing member(s) of Daly are comprised of a rubber material: refer para [0025], lines 1-2; and,

(re: **claims 47, 53, and 59**) wherein the two securing members are arranged at an angle relative to one another (refer Fig 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 48, 54, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly (US 2002/0077222 A1) in view of Simon (US 6196558).

As discussed above, Daly discloses the invention of each of the claims 16, 29, and 42 from which claims 48, 54, and 60 each, respectively, depend.

Daly lacks explicit disclosure wherein each securing member further includes at least one heel securing member.

However, Simon teaches a board device for use on a trampoline and having foot securing members wherein each securing member further includes at least one heel securing member.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the foot securing members of Daly to further include heel securing members in accordance with the teachings of Simon in order to better ensure against the foot coming loose of the securing member during stunt maneuvers with the device on the trampoline.

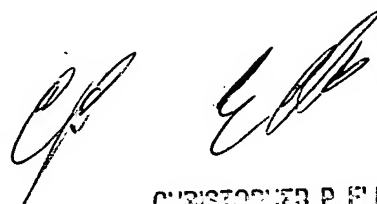
Conclusion

7. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 703-308-2560.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gbklebe / Art Unit 3618 / 26-Nov-04



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